

REMARKS

Reconsideration of the application by the Examiner is respectfully requested.

The Examiner has rejected claims 31-45 under 35 USC §103(a) as allegedly being unpatentable over Egendorf '489 in view of Adams.

The Examiner, Mr. Felten, is thanked for the courtesies extended during a telephone conversation with the undersigned on August 6, 2002. In the telephone conversation, it was explained that Applicant was traversing the rejection because the Egendorf '489 patent is not prior art to the present application because of the exception under 35 USC §103(c)/35 USC §102(e). Applicant hereby certifies that at the time the invention of the present application was made, both the present application and the Egendorf '489 application were owned by Mr. Egendorf, and they currently are owned by the same entity (Netcraft Corporation). Accordingly, pursuant to the exception under 35 USC §103(c), the Egendorf '489 patent shall not preclude patentability under 35 USC §103. The Examiner acknowledged this argument, although no agreement was reached.

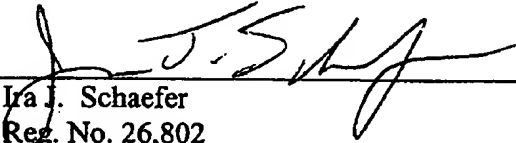
Assuming the rejection is overcome by the above, but the Examiner is inclined to issue an obviousness type double patenting rejection over Egendorf '489, the Reexamination thereof (Egendorf '489C1) or the 6,411,940 and 6,188,994 patents issued on the parent applications hereof (the application has already been terminally disclaimed with respect to patents 5,794,221 and 6,351,739), in order to expedite the prosecution of this application, Applicant respectfully submits herewith 4 terminal disclaimers with respect to 5,446,489, 5,446,489C1, 6,411,940 and 6,188,994 along with Certificates Under 37 CFR 3.73 (b).

Applicant requests entry of the amendment, reconsideration and that the application be passed to issue.

Respectfully submitted,

Date:

8/7/02


Ira J. Schaefer
Reg. No. 26,802

Clifford Chance Rogers & Wells LLP
200 Park Avenue
New York, NY 10166-0153
Telephone: (212) 878-4922